

FINAL

**MINUTES OF THE COTTONWOOD HEIGHTS CITY
PLANNING COMMISSION MEETING**

Wednesday, January 18, 2012

6:00 p.m.

**Cottonwood Heights City Council Room
1265 East Fort Union Boulevard, Suite 300
Cottonwood Heights, Utah**

ATTENDANCE

Planning Commission Members:

Paxton Guymon
Joseph L. Scott
James S. Jones, Alternate
Jennifer Shah
Gordon Walker

City Staff:

Brian Berndt, Planning Director
Morgan Brim, City Planner
Liane Stillman, City Manager
Brad Gilson, City Engineer
Jody Burnett, Acting City Attorney

BUSINESS MEETING

1.0 WELCOME/ACKNOWLEDGEMENTS – CHAIR BOLYARD

In the absence of Chair, Perry Bolyard, Vice Chairman Gordon Walker called the meeting to order at 6:26 p.m.

2.0 CITIZEN COMMENTS

There were no citizen comments.

3.0 PUBLIC HEARINGS

3.1 (Project #CUP 11-004) Public Comment on a Proposal from Jeffrey Gochnour Requesting Approval to Construct Two Office Buildings Located at 2750, 2770, and 2800 East Cottonwood Parkway.

Planning Director Brian Berndt gave a brief over view of the project. He indicated that the project contained approximately 250,000 square feet of office space and that it is the last phase of the Cottonwood Corporate Center development. The project also includes a two story parking structure located towards the southwest side of the project. Mr. Berndt then turned the time over to Jeffrey Gochnour the applicant.

Mr. Gochnour discussed the history of the project and stated that Cottonwood Partners is the successor to Wallace Associates/Wallnet which is the entity that originally entitled the property. He explained that the project was approved by Salt Lake County for 970,000 square feet of commercial development in 1995. Of that amount, 720,000 has been developed to date, leaving

250,000 square of remaining allocated development rights. Cottonwood Partners no longer owns property within the Cottonwood Corporate Center, but currently has the 8.85 acre BCBS site under contract to purchase. The site was formerly a gravel extraction operation. He explained that the Cottonwood Corporate Center is a Class A office complex and is a premier office destination in the valley. It is home to corporate headquarters companies such as NYSE traded Fusion-IO and Extra Space Storage along with other high profile companies such as Raytheon, Kern River and Dyno Nobel. Most of the employees of these companies shop and dine in Cottonwood Heights, and many of them live in Cottonwood Heights. He explained that Cottonwood Partners began meeting with Cottonwood Heights last September to discuss different options for the site layout. Out of those meetings and with a recommendation from the Architecture Review Commission, they felt the site plan chosen, with the staggered building heights(four and six stories), was the least impactful to the adjacent neighborhood. Mr. Gochmour further discussed that the two buildings are connected with a shared lobby and are pushed towards the northeast portion of the property, creating an "L" shape orientation. He pointed out that the 4-story building is the same height as the adjacent BCBS building to the east, and the six-story building is the same height as the two Cottonwood buildings directly to the north. He also explained that mechanical equipment would not be located on the roof of the buildings, instead, such equipment would be housed at grade or within the basement of the buildings. This eliminates the need for a penthouse and reduces the overall height of the buildings by as much as 18 feet and eliminates noise intrusion to the surrounding properties. He explained that the parking structure was placed to the southeast of the buildings adjacent to the trail way. The maximum height of the parking structure from current grade is approximately 14 feet on the west end, but the top level of a good portion of the structure is at grade. In order to shield neighbors from vehicle headlights, Mr. Gochmour indicated that a four foot pony wall would circumnavigate the perimeter of the top level of the parking structure. Mr. Gochmour also indicated that landscaping would be increased on the south and west sides of the project to further buffer residences. He mentioned that a traffic study was completed at the request of Cottonwood Heights and the study's findings indicate that the intersections on 3000 East will function at acceptable levels after the completion of the new Beckstrand building, the lease-up of the vacant BCBS space and the completion of the proposed Cottonwood buildings. The study indicates that based on the actual usage of the area roads, the Cottonwood site could accommodate up to 375,000 square feet of development without causing intersection failure.

Vice Chair Walker opened the public hearing.

(18:27:16) Mike Jenkins indicated that he lives just west of the proposed development. He expressed appreciation to the Commission for their willingness to listen to the public. He expected the Commission to hear many comments about detrimental impacts and noted that he submitted a letter to the Commission. Mr. Jenkins focused on the process he hoped the Commission will follow in making decisions about the conditional use permit application. He urged the Commission to take proper account of site plans and past promises made by the developer about this development. He did not feel it was right for the developer to make false claims showing one and two-story buildings as part of a package that includes tall buildings along the freeway. He explained that after the tall buildings were built, the part of the package that included shorter buildings near homes was abandoned. He did not feel it was right for the developer to say that five of the buildings would be one and two-story structures (as quoted in the November 19, 1994 *Deseret News*), and then later try to replace them with 250,000 square feet of six and four-story buildings.

Mr. Jenkins also did not feel it was fair that the residents who researched and relied on developer promises and county plans about building heights when purchasing homes had those promises ignored. He then urged the Commission to list every detrimental impact that they will hear or read about that could be associated with the development. He recommended the Commission Members walk the trail surrounding the parcel and visit the yards, homes and views of families that live there. He then suggested walking the trail paths of the graffiti-filled base of the six-story building along the freeway and determine whether the listed impacts are reasonably anticipated. He felt they were. He urged the Commission to follow the rules and impose mitigating conditions of each impact even if doing so means the proposed development will cost more than intended or require drastic changes. He felt it was the Commission's job to deny the permit if any of the listed detrimental impacts cannot be mitigated. He then encouraged the Commission to use the City's General Plan as a key standard in making a decision. He went on to explain that the values listed in the General Plan are clear and serve as a foundation for all zoning requirements and decisions, including this one.

(18:31:01) Kelley Bollinger, an 18-year resident, stated that she has served on the Mill Hollow HOA board for a several years. She felt that since construction began at the Corporate Center the height of the tallest building has been specified. The residents have had to fight to make sure that the promises made are honored by the developers. She stated that many of those present have similar complaints and do not support what is proposed. She stated that if office buildings were built closer to homes the situation would be exacerbated, particularly if the buildings are six stories tall. Ms. Bollinger's other concern was that all of the traffic going in and out of the site leads to 3000 East, which already has serious traffic problems.

(18:33:02) Kristine Clark found it interesting that the developer has high occupancy while the Blue Cross Blue Shield building is nearly empty. She stated that there are numerous A Plus-rated buildings in the City with available space. She saw no need to expand at this time. She knew some very attractive leases were offered to companies to enhance the occupancy rate of the Cottonwood Corporate Center. Ms. Clark also expressed concern about the existing traffic patterns and the number of children who play in the area. As a citizen she expected her property taxes to significantly diminish because of lower property values. She suggested the Commission take into consideration the fact that the proposed project will not generate revenue for the City but in the end will take very good care of the developer.

(18:34:59) Elizabeth McComber brought up the issue of compliance with the regulatory scheme already in place under Chapter 19. She explained that the statute clearly states that the Planning Commission shall not approve a conditional use permit unless evidence is presented to establish that such a use will not be detrimental to the health, safety, comfort, order or general welfare of persons residing or working in the vicinity. She pointed out that the location of the subject property is actually higher than the elevation of the surrounding homes. Ms. McComber also pointed out the requirement that there be a maximum lot coverage of 50%, including all structures. She felt that *all structures* should include the large parking structure. She did not feel that the design meets that particular Code requirement. She pointed out that property values and the use and enjoyment of homes will be directly impacted by the height of the buildings and the size of the parking structure.

(18:37:56) Steve Morrison presented a previous development proposal for the property, which included two-story buildings to be located away from the neighborhood with the parking lot next

to the neighborhood. The neighbors relied on this document when purchasing their property. Vice Chair Walker asked that the Commission be provided with a copy.

(18:39:02) Chris Bateman stated that he resides very near one of the buildings and will be greatly impacted by the Commission's decision. He and his family moved to Cottonwood Heights 17 years earlier and participated both in the County Commission hearings dealing with the development and the open houses conducted by the developer at that time. Mr. Bateman stated that his home is at the closest point between the building and the residential area and the access way shown in the drawing is directly in his backyard. He commented that the current existing building is much further from his home, yet each night he lights shine in his back window and there is noise. He was glad to hear that some of the mechanical facilities will be underground; however, the cooling towers and other noise emanating from the site leave him unable to sleep without earplugs. He felt that steps could be taken to mitigate the detrimental impacts, including limiting the size of the buildings to the original plans and increasing the distance between residential areas.

(18:42:18) Planning Director, Brian Berndt explained that a conditional use permit must be approved if reasonable conditions are proposed or can be imposed to mitigate the reasonably anticipated detrimental effects of the proposed use. The Commission was interested in hearing the public's views on the reasonably anticipated detrimental effects that cannot be mitigated by reasonable conditions. He noted that the developers are proposing to locate the four-story building closest to residences in an effort to keep taller structures away from homes.

(18:43:55) Russell Nelson expressed appreciation to the Commission and staff for their efforts but felt they may not be enough. He stated that the main entrance to the upper level of the parking lot will be the main thoroughfare for 400 parking stalls and will be less than 75 feet from his property line. He felt that that type of impact will be difficult to quantify and mitigate. He remarked that when the developer presented the initial plans, it seemed that the elevations and proximity of the homes were not accurately represented. He stated that one home described in the plans was proposed to be 150 feet from the Blue Shield Blue Cross Building, but in actuality is 30 to 40 feet taller in elevation than many of the surrounding homes. As a result, the buildings will seem much larger. Mr. Nelson encouraged the Commission to perform an independent traffic study and not simply take the developer's word for it. He thought it was interesting that even though the proposed six-story building will be offset to the east, it will possibly be in closest proximity to the homes. He recalled that the conditional use permit for the Old Mill IV Development included a 30% landscaping requirement. He asked if there was any way to measure whether the Corporate Center is in compliance with this requirement. He also asked that the residents be kept informed throughout the process.

(18:47:13) Greg Snow stated that his home was discussed previously and is 157 feet from the building but only 20 feet from the parking lot. He clarified that his home *is* elevated above the parking lot and identified light coming into his home and noise from the generators as major concerns. He reported that he has a unique perspective because he lives and works in the area. He expressed concern about maintenance since the ownership of the Blue Cross Building has changed. On his property he has planted 18 pine trees to help reduce noise. He brought up the issue of noon hour traffic which is a serious problem. Rush hour traffic was described as a "nightmare". He noted that a traffic study was prepared previously and deemed acceptable. He

recommended the Commission review it fully. Mr. Snow indicated that the intersection is a thoroughfare to the freeway.

(18:51:35) Lacey Cole-Rae identified herself as a new tenant who did not receive notice of tonight's meeting. She shares the concerns of her neighbors and suggested that underground parking be considered. She felt underground parking would mitigate a great deal of noise and light intrusion. It would also send a message that Cottonwood Heights is progressive and considers green space to be a valuable commodity.

(18:53:26) Frank Taylor asked if the building could be redesigned to move the parking further from residences. He was also very concerned that his home is down-stream from possible water backing up from the 850 parking spaces. He suggested accommodations be made in the plan to address unforeseen circumstances. He expressed concern about speeding traffic and wondered why 750 parking spaces are needed but 850 were proposed. He felt that the proposal will have a negative impact on home values.

(18:26:46) Kendall Cole-Rae echoed the previous comments and recommended that 3-D images be provided showing the correct perspective from the back yards. He commented on the parking structure and the fact that it is sub-grade compared to the elevation of the housing directly behind it. Although it may be the same height as the parking structure proposed, it is much higher than the homes behind it. He suggested the Commission consider underground parking or excavating the area to bring the elevation to an acceptable level. Mr. Cole-Rae was concerned about the implications of such a large parking facility on safety, security, and health of homeowners. He also commented on fuel emissions and the fact that 850 cars will emit toxic chemicals. After analyzing the aerial photo, he believed there was sufficient parking.

(18:59:38) Mindy Stowers stated that the back side of the parking lot will be in her back yard. She stated that she must deal with a parking structure near her home and inhaling car fumes. She recalled that the industry standard requires only 750 parking spaces, while 850 are proposed. She was very concerned about her property value being negatively impacted. She supported the concept of an underground parking facility and reducing the height of the buildings. Since moving to Cottonwood Heights 17 years ago, she had seen an increase in foot traffic, crime, and graffiti.

Andrew Callister addressed the issue of noise resulting from the parking structure. Because it will be a two-story concrete structure, the noise will be amplified and projected into the neighborhood.

Marke Muir described the factors that cannot be mitigated such as noise, lights, privacy, additional cars, and lowered property values.

Jerry Pauley acknowledged that he has a beautiful view of the mountains and confirmed that that was the reason they made their home in Cottonwood Heights. He described how the developer plans to build a 20-foot parking structure, which will block that view. He was concerned about increased graffiti and crime in addition to the loss of open space.

(19:08:27) Nancy Baker identified herself as one of the original owners who went through a similar process with Salt Lake County. She did what she considered was her due diligence when purchasing her home. At that time she was promised that only two-story buildings would be

constructed. Six-story buildings were then pursued without the knowledge of the neighbors. Ms. Baker stated that she attended a public hearing where landscaping was planned to mitigate the taller buildings. She remarked that that was how six-story buildings were introduced in Salt Lake County. She identified the detrimental impacts of taller buildings, which include lower property values. She estimated that property values will fall by 10 to 15 percent as a result of the proposal. Other detrimental impacts were mentioned such as noise and lights.

Paul Kasteler expressed concern about the constant traffic in the area and stated that on two separate occasions cars have crashed into his backyard. One resulted in the deaths of three individuals. He stated that it took a great deal of effort from the Planning Commission to get speed bumps installed on the road after the deaths and that drivers still use Hollow Mill as a short cut. He felt the extra traffic will negatively affect the traffic flow and make the existing problem even worse.

(19:13:11) Andrea Wilkinson, a 17-year resident, stated that taller buildings will be detrimental to her family and neighbors. She considered two-story buildings to be the solution. Ms. Wilkinson did not feel that tall trees alone will mitigate the sight or noise emanating from the buildings. She also did not think it was possible to mitigate traffic, safety, and health issues. She explained that the environmental issues associated with the existing buildings have not been mitigated. She agreed that underground parking and leasing from another business could be viable solutions.

Diane Omana asked the Commission will keep track of those who are for and against the proposed development. Vice Chair Walker responded that the Commission will listen to everyone who comments. No straw votes will be taken and no attempts will be made to determine how many are for and against the proposal. He clarified that the decision made by the Commission will not be based on popular vote.

(19:18:10) James Marchant identified himself as a realtor and stated that over the past 30 years he has sold over \$2,000,000 in real estate. He verified that what is proposed will definitely impact property values. He expressed concern about the current graffiti problem and the potential for increased crime in the alley and the underground parking area. He spoke to the developer about the five-story building that will look down into the windows of nearby homes and was told that trees will be planted to preserve privacy. The developer would not, however, state at what age the trees will actually offer privacy. In addition, he offended Mr. Marchant by showing a lack of sensitivity for the concerns of the citizens.

Robert Erfurth explained that his home backs the trail and stated that he will be seriously impacted by the proposal. He purchased his property the previous August and at the time of the sale he only knew that his property was near a vacant lot zoned for a two-story building. He recently learned about the proposed conditional use permit. He stated that with traditional developments there is a transition from taller buildings to the shorter ones to create a buffer between the commercial and residential properties. He did not observe any green areas in the photos and worried about how that will impact his home. He stated that the first floor of his home is below the pathway and suggested there be a buffer between the pathway and the parking garage. He felt that the developer's only goal was to gain monetarily.

(19:24:08) Todd Wolfenbarger did not feel the developer was trying to hurt the residents in any way and asked the Commission to remember that they are voted in by the public. He asked that they represent the citizens.

Michael Baker stated that there have been bad feelings between the community and the developer. He asked that the traffic reports be publicly disclosed as they pertain to impacts on 3000 East. He acknowledged that the proposed development will increase traffic but questioned whether it will impact services.

Drew Armstrong stated that he owns a home at the base of the path and was worried about the alleyway. He was concerned about increased crime and the potential for additional graffiti and other illegal activities.

Mary Stephens, an 18-year resident, stated that nothing in the development has occurred in the manner the neighbors were told it would. She was worried that her property will lose a great deal of value and suggested the developer distribute checks for the amount that each home owner will lose and include it in the cost of the buildings.

Kurt Hughes said that the purchase of his home was the biggest financial commitment he has ever made. He felt that the proposed project was falsely represented. He was also concerned about diminishing property values.

Robin Kimball felt that the reputation of Cottonwood Heights was at stake and questioned whether people will want to live here if they cannot trust what they are told by City representatives.

(19:33:05) Justin Earl's biggest concern was access to the upper level of the parking facility that will be in his backyard. He suggested the parking structure be moved further from residences. He observed that there will be a single point of access and questioned safety in the event of an emergency. He also expressed concern about car emissions trespassing into his backyard.

Doug Romney commented that currently sanitation trucks next to the freeway can be heard. He was concerned that the sanitation noise from the parking area will be directed right into his backyard. He asked about the 12 ½-foot county easement asked that it be shown on the site drawings for the public to see.

Mark Machlis wanted to make sure that the Commission understood that this is not just a neighborhood issue but a City issue. He felt the developers have slowly increased the size of the buildings and noted that the initial promises were for much smaller buildings. He considered two-story buildings to be more appropriate.

Janet Jenkins stated that she enjoys living in Cottonwood Heights and did not want her mountain views to be destroyed. She urged the Commission to preserve the integrity of the area by deciding what they want in the future for the City. She urged the Commission the keep structures low.

Robin Bateman agreed with the points made earlier and submitted quotes from Jon West, CEO of Cottonwood Partners. She stated that to obtain profit from the proposed development places a burden on the public. She recognized that the resources available to the company are much greater than what is available to the homeowners and urged them to understand that residents will

be harmed by what is proposed. She urged the developer to show integrity and be accountable for what was promised and many years ago. She noted that many residents based their financial and personal futures on the promises made. She asked the developer to withdraw the conditional use permit application. If the plans are not withdrawn, she urged the Commission to deny the application.

Mark Meredith, a 19-year resident, felt that the county did not consider the desires of the public and considered the current traffic situation to be unbearable. He urged the Commission to take the feelings of the citizens into consideration.

Darrel Stephens always expected two-story buildings to be constructed on the subject property. He felt it should be the burden of the developer to mitigate the detrimental effects and acknowledged that many were identified. He argued that the public should not have to prove that they are detrimental effects. He believed the only way to mitigate the detrimental effects was to pursue the original plan.

There were no further public comments.

(19:48:13) Vice Chair Walker closed the public hearing and encouraged the submission of written comments within the next seven days. He commented that the Commission will have a substantial discussion based on what has been heard and recommended tonight. He expressed appreciation for the comments made and for the participation of the citizens. He recognized that the current plan is a substantial deviation from what currently exists on the site. He assured the public that their comments will be taken into consideration. Procedural issues were discussed. The matter was to be addressed again at the first Planning Commission Meeting in March.

4.0 ACTION ITEMS

4.1 Approval of January 4, 2012 Minutes.

(19:54:50) *Commissioner Shah moved to approve the minutes as amended with the handwritten notes. Commissioner Jones seconded the motion. Vote on motion: Joseph L. Scott-Aye, Gordon Walker-Aye, Jennifer Shah-Aye, James S. Jones-Aye, Paxton Guymon-Abstained. The motion passed unanimously with one abstention.*

5.0 ADJOURNMENT

(19:55:50) *Commissioner Guymon moved to adjourn. Commissioner Shah seconded the motion. Vote on motion: Joseph L. Scott-Aye, Gordon Walker-Aye, Jennifer Shah-Aye, James S. Jones-Aye, Paxton Guymon-Aye. The motion passed unanimously.*

I hereby certify that the foregoing represents a true, accurate and complete record of the Cottonwood Heights City Planning Commission Meeting held Wednesday, January 18, 2012.

A handwritten signature in cursive script, reading "Teri Forbes". The signature is written in dark ink and is positioned above a horizontal line.

Teri Forbes
T Forbes Group
Minutes Secretary

Minutes approved: